

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



JACQUELINE BEEBE, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

V&J NATIONAL ENTERPRISES, LLC,
V&J UNITED ENTERPRISES, LLC, V&J
EMPLOYMENT SERVICES, INC., and V&J
HOLDING COMPANIES, INC.,

Defendants.

DECISION AND ORDER

6:17-cv-06075-EAW-MWP

Plaintiff Jacqueline Beebe (“Plaintiff”) brings this conditionally certified class action individually, and on behalf of all others similarly situated, alleging that Defendants have violated the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”), and the New York Labor Law, N.Y. Lab. Law, Art. 19 § 650 *et seq.* (“NYLL”), by failing to make employee payments in accordance with applicable minimum wage standards. (Dkt. 1). On September 28, 2017, Plaintiff moved for a Protective Order, a Preliminary Injunction, a Temporary Restraining Order (“TRO”), and Sanctions against Defendants. (Dkt. 81). Plaintiff argues that Defendants have recently engaged in a campaign of improper communications with absent class members, suggesting that said individuals should waive their right to participate in this pending action by signing certain waiver forms in exchange for \$250.00, or by otherwise dissuading or intimidating them from joining the class. (Dkt. 81-1 at 8). Plaintiff further claims that these interactions have

caused prospective class members to fear that they would be fired in retaliation for choosing to join in this action. (*Id.*).

The next day, on September 29, 2017, the Court held a teleconference with the parties' attorneys. For the reasons discussed on the record during that teleconference, and pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65(b)(2) of the Local Rules, *see* Fed. R. Civ. P. 65; L.R. Civ. P. 65(b)(2), it is hereby

ORDERED, that Defendants are temporarily enjoined from retaliating against the members of the collective and putative class for participating in this lawsuit; and it is further

ORDERED, that before Defendants speak to any member of the collective and putative class regarding this action or the subject matters of this action, they must first disclose the contents of this temporary restraining order to the member; and it is further

ORDERED, that Defendants must provide Plaintiff's counsel with copies of the documents signed by the putative class members purporting to waive their right to participate in this lawsuit for \$250.00 within ten (10) days of the filing of this Decision and Order; and it is further

ORDERED, that if Defendants or their counsel search for the telephone contact information of collective and putative members and find it available to them, they must provide this contact information to Plaintiff's counsel; and it is further

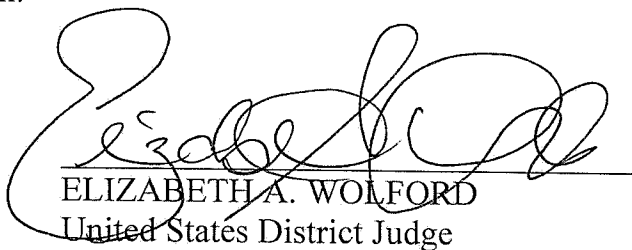
ORDERED, that Defendants' response to Plaintiff's motion for a protective order, preliminary injunction, and sanctions is due by October 20, 2017; and it is further

ORDERED, that Plaintiff's reply to Defendants' response is due by October 27, 2017; and it is further

ORDERED, that a motion hearing (oral argument) is set for Monday, November 6, 2017, at 9:00 A.M. in U.S. Courthouse, 100 State Street, Rochester, NY 14614 before the undersigned; and it is further

ORDERED, that an evidentiary hearing is scheduled for Friday, November 17, 2017, at 9:00 A.M. in U.S. Courthouse, 100 State Street, Rochester, NY 14614 before the undersigned, at which time Plaintiff and Defendants are permitted to call witnesses and present evidence related to Plaintiff's motion.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: October 4, 2017
 Rochester, New York